

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that Engrossed Senate Bill 226 be amended to read as follows:

- 1 Page 1, between the enacting clause and line 1, begin a new
2 paragraph and insert:
3 "SECTION 1. IC 8-1-2-1.2 IS ADDED TO THE INDIANA CODE
4 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
5 1, 2008]: **Sec. 1.2. (a) As used in this section, "landlord" refers to**
6 **a landlord or a person acting on a landlord's behalf.**
7 **(b) A landlord that distributes water or sewage disposal service**
8 **from a public utility or a municipally owned utility to one (1) or**
9 **more dwelling units is not a public utility solely by reason of**
10 **engaging in this activity if the landlord complies with all of the**
11 **following:**
12 **(1) The landlord bills tenants, separately from rent, for:**
13 **(A) the water or sewage disposal service distributed; and**
14 **(B) any costs permitted by subsection (c).**
15 **(2) The total charge for the services described in subsection**
16 **(b)(1)(A) is not more than what the landlord paid the utility**
17 **for the same services, less the landlord's own use.**
18 **(3) The landlord makes a disclosure to the tenant that satisfies**
19 **subsection (d). A disclosure required by this subdivision must**
20 **be in:**
21 **(A) the lease;**
22 **(B) the tenant's first bill; or**
23 **(C) a writing separate from the lease signed by the tenant**
24 **before entering into the lease.**

1 (c) A landlord may charge only the following costs under
2 subsection (b)(1)(B):

3 (1) A reasonable initial set-up fee.

4 (2) A reasonable administrative fee that may not exceed four
5 dollars (\$4) per month.

6 (3) A reasonable fee for the return for insufficient funds of an
7 instrument in payment of charges.

8 (d) A disclosure required by subsection (b)(3) must:

9 (1) be printed using a font that is not smaller than the largest
10 font used in the lease; and

11 (2) include the following:

12 (A) A description of the water or sewage disposal services
13 to be provided.

14 (B) An itemized statement of the fees that will be charged
15 as permitted under subsection (c).

16 (C) The following statement: "If you believe you are being
17 charged in violation of this disclosure or if you believe you
18 are being billed in excess of the utility services provided to
19 you as described in this disclosure, you have a right under
20 Indiana law to file a complaint with the Indiana Utility
21 Regulatory Commission. You may contact the Commission
22 at (insert phone number for the tenant to contact the
23 Commission).".

24 (e) If a complaint is filed under section 34.5 or 54 of this chapter
25 alleging that a landlord may be acting as a public utility in
26 violation of this section, the commission shall:

27 (1) consider the issue; and

28 (2) if the commission considers necessary, enter an order
29 requiring that billing be adjusted to comply with this
30 section.".

31 Renumber all SECTIONS consecutively.

(Reference is to ESB 226 as printed February 22, 2008.)

Representative Battles